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ally noticed, between two methods of protecting laborers and materialmen, one by preventing the misappropriation by the contractor of the funds which should reach them, the other by giving them a lien on the real estate so far as such funds have not been provided or have been misapplied. As a whole, the work shows an appreciation on the part of the author of the spirit of American institutions.

H. K.

ESTOPPEL BY MISREPRESENTATION. By John Skirving Ewart. Chicago : Callaghan & Co. 1900. pp. xlvii, 548.

There is hardly a topic in the law so uncertain in regard to its scope and fundamental principles as that of estoppel by misrepresentation. Mr. Ewart has made a commendable attempt at a thorough treatment of the subject ; and at the outset gives us a novel and useful contribution, in his use of the terms "estoppel-asserter" and "estoppel-denier," to designate the actors in cases of estoppel. A detailed analysis of the necessary elements of estoppel in its different phases takes up the first half of the book. The author's conclusion, that moral guilt is in general immaterial in estoppel by misrepresentation, is most far-reaching ; and, as he points out, is inconsistent in principle with the generally accepted doctrine of *Peek v. Derry*. The remaining half of the book is devoted to a discussion of estoppel, as applied to various branches of the law. Here it would seem that the author gives to estoppel far too great a scope. Instead of treating it as a doctrine to be resorted to only when the desired result can be attained on no other theory, he makes use of it in every possible case. The doctrines of prior equities, purchaser for value without notice, and the negotiability of bills and notes are among those that are explained as resting on estoppel by assisted misrepresentation.

The book will be the less useful to the practitioner, in that almost no American cases are considered in the text, and comparatively few are cited in the footnotes. Yet, although its style is at times scarcely dignified, especially where the English doctrine of tacking mortgages is said to make the legal title like a "greasy pig," the book does contain distinctly vigorous thought and discussion on a rarely discussed subject.

R. B. S.

THE POLICE POWER OF THE STATE AND DECISIONS THEREON AS ILLUSTRATING THE DEVELOPMENT AND VALUE OF CASE LAW. By Alfred Russell of the Detroit Bar. Chicago : Callaghan & Co. 1900. pp. xvii, 204.

As its title indicates, the purpose of this volume is not so much a complete exposition of the so-called police power as a plea for our system of case law. By an analysis of the application of the various constitutional restrictions to this unclassified legislative power, the writer is enabled to define with considerable clearness the limits of this power under the constitutions. By this development and statement of the law, he not only aids in clarifying an important growing subject, but performs a valuable service by insisting upon the superiority of the flexibility of case law over the rigidity of codified law. But in common with many others, he does not always perceive that in dealing with this power the question is often a more fundamental one than that of constitutional restrictions, namely that of the limits of legislative power in general aside from constitu-

tions. The question whether such limits have been surpassed is hardly one for the courts, though our author sometimes seems to consider it as such. Further, although he does not exaggerate the importance of the function of our courts in applying constitutional restrictions as a protection against the populist legislation so characteristic of our day, he forgets that the duty of the courts is simply to decide judicial questions by the application of strict rules of law, not to supervise the legislature in the exercise of its wide discretion within the Constitution. The assumption of such a right by the courts can only be fraught with danger. The only appeal from the abuse by the legislature of its discretionary power is to the people.

W. H. H.

REGISTERING TITLE TO LAND. By Jacques Dumas, LL. D. Chicago: Callaghan & Co. 1900. pp. 106.

This little volume comprises a series of five lectures delivered by the author in 1899-1900 at Yale. The general interest which the question of registration of title now has for the American public, in view of the adoption of the Torrens system of registration of title by several states, renders the publication of M. Dumas's luminous exposition of the subject doubly welcome. The author begins by distinguishing registration of deeds from registration of title. He then traces the history of registration of title in several countries that have adopted that method, — Australia, Austria, and Prussia. A chapter apiece is devoted to the English and French systems of registration, and their respective defects are pointed out. In the last chapter, after enumerating the other countries where registration of title prevails, the author concludes by summing up the advantages of the system owing to its simplicity and economy. As he justly remarks, the thing that prevents registration of title from being everywhere adopted is simply the opposition of the legal profession — owing, as he says, to a fear of its advantages much more than of its deficiencies. But conceding that registration of title has all the merits claimed for it by the author, some doubt has been expressed as to its compatibility with the "due process of law" clause of our Constitution. With this phase of the question M. Dumas does not deal. It was thought that the national Supreme Court would have to pass on this matter in a recent Massachusetts appeal, but it is now feared that the decision will go off on another point. This difficulty as to constitutionality once removed, everything would seem to point to a prevalence of similar legislation throughout the country.

F. R. T.

We have also received: —

A TREATISE UPON THE LAW AND PRACTICE OF TAXATION IN MISSOURI. By Frederick N. Judson. Columbia, Missouri: E. W. Stephens. 1900. pp. xiv, 358. A discussion of the principles of taxation with reference to one particular state does not limit the interest of the work to the boundaries of that state, for the problems of taxation are general ones and are met in very similar ways throughout the Union. This is particularly true of Mr. Judson's work, as he considers his subject broadly, and frequently makes reference to the tax laws of other states. The book is divided into three parts: the history of taxation in Missouri, present-day taxation in that state, and taxation of the future. The present system in Missouri